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| 09/386,848      | 08/31/1999  | IZUMI MIYAKE         | 0879-0240P          | 1868             |

2292 7590 06/15/2006

BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER

HANNETT, JAMES M

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2622

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/386,848             | MIYAKE, IZUMI       |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | James M. Hannett       | 2622                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3-5, 8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-5, 8 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/31/1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments filed 3/30/2006 have been fully considered but they are not persuasive. The applicants arguments related to the new limitations are viewed by the examiner as arguments against the references individually. The Applicant has put forth arguments stating that Toyofuku et al, Suzuki, and Thompson et al do not teach certain features of the claims. However, the references that the applicant argues does not teach a certain feature was not the same reference relied upon by the examiner in the rejection under 35 U.S.C. 103(a). It is acknowledged by the examiner that Toyofuku et al, Suzuki, and Thompson et al to not teach the limitations argued by the applicant. However, the applicants arguments are attacking references individually and do not address the combination of references.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that one of ordinary skill would not look to Suzuki to modify Toyofuku, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Both Suzuki and Toyofuku are both digital cameras.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1: Claims 3-5, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2001/0048465 Toyofuku et al in view of USPN 5,724,579 Suzuki in view of USPN 5,930,514 Thompson et al.

2: As for Claim 3, Toyofuku et al depicts in Figures (5 and 20) an image processing apparatus, comprising: A memory (33) which stores a plurality of captured images and additional information concerning the images; Toyofuku et al teaches and depicts in Figure 6 the data format by which the image data is stored to memory and depicts the non-image information that is saved with the image data. An image selector which selects an image to be erased among the plurality of images stored in the memory; Paragraph [0133] Toyofuku et al teaches that a circular point is flickered and represents the image data selected to be erased. A determination device which reads the additional information (panoramic number) concerning the selected image and determines whether or not the selected image relates to at least one of the plurality of images stored in the memory with reference to the read additional information; Paragraph [0136] Toyofuku et al teaches that the image processing apparatus checks to see whether the image selected partially constitutes a panoramic image (panoramic number does not contain code that corresponds to a ordinary photographed frame) by identifying the panorama numbers in the

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header information as depicted in Figure 6. Toyofuku et al teaches the use of an eraser which erases the selected image from the memory if the determination device determines that the selected imager does not relate to any of the plurality of images stored in the memory, and prohibits the selected image from being erased independently if the determination device determines that the selected image relates to at least one of the plurality of images stored in the memory. Paragraph [0136-0137] Toyofuku et al teaches that if the image selected to be erased is part of a panoramic image a warning is indicated to the user and the image cannot be erased independently and the image would not be able to be erased unless the user overrides the erase protection. Toyofuku et al further teaches the use of a display which displays that the selected image is prohibited from being erased independently if the determination device determines that the selected image relates to at least one of the plurality of images stored in the memory; Paragraphs [0136 and 0141] Toyofuku et al teaches the a warning is given on the display screen when an image that is part of a panoramic image is selected to be deleted. Toyofuku et al further teaches that the additional information represents whether or not the image concerning the/ additional information is a part of a panoramic image composed of at least two of the plurality of the images stored in the memory; Paragraph [0136] the image processing apparatus checks to see whether the image selected partially constitutes a panoramic image by identifying the panorama numbers in the header information as depicted in Figure 6.

Toyofuku et al does not teach that the selection device in which a user selects, after displaying that a selected image is prohibited from being erased since the selected image relates to at least one of the plurality of images, collectively erasing the selected image and the images related to the selected image or not erasing all the images related to the selected image; wherein

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the eraser erases the selected image and the at least one of the plurality of images relating to the selected image from the memory if the selection device decides to collectively erase the selected image and the at least one of the plurality of images related to the selected image. Toyofuku et al is designed in such a way that a user using the camera will be warned if they attempt to delete the image so that the user can cancel the erase command if the image was inadvertently selected. The camera further has the capability to allow the user to override the erase protection and erase the single image and therefore update the panoramic image data.

Suzuki teaches on Column 5, Lines 61-67 and Column 6, Lines 5-16 the method of collectively deleting images associated with a main image simultaneously to allow a user the option to erase the images related to a main image simultaneously so that the user would not have to independently erase each of the pictures and thus providing convenience of use. It is viewed by the examiner that a panoramic image is a main image that is associated with several subordinate images.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to enable the camera of Toyofuku et al to allow a user the option to erase the images related to a main image simultaneously as taught by Suzuki so that the user would not have to independently erase each of the pictures and thus provide convenience of use.

However, Suzuki does not specifically state that all of the related images are erased collectively and only states that the related images can be collectively erased.

Thompson et al teaches on Column 1, Lines 58-67 a method for collectively deleting all files related to a program which a user wants to erase be erased at the same time in order to speed

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up the erasing operation and ensure that no un-needed files remain after the program files have been erased.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the file deletion program of Toyofuku et al in view of Suzuki collectively erase all related images simultaneously to ensure that no un-needed image files remain after a some of the image files have been erased and therefore, speeding up the erasing operation.

3: In regards to Claim 4, Toyofuku et al depicts in Figures (5 and 20) an image processing apparatus, comprising: A memory (33) which stores a plurality of captured images and additional information (header information including panoramic number) concerning the images; Toyofuku et al teaches and depicts in Figure 6 the data format by which the image data is stored to memory and depicts the non-image information that is saved with the image data. An image selector which selects an image to be erased among the plurality of images stored in the memory; Paragraph [0133] Toyofuku et al teaches that a circular point is flickered and represents the image data selected to be erased. A determination device which reads the additional information concerning the selected image and determines whether or not the selected image relates to at least one of the plurality of images stored in the memory with reference to the read additional information; Paragraph [0136] Toyofuku et al teaches that the image processing apparatus checks to see whether the image selected partially constitutes a panoramic image (panoramic number does not contain code that corresponds to a ordinary photographed frame) by identifying the panorama numbers in the header information as depicted in Figure 6. Toyofuku et al teaches the use of an eraser which erases the selected image from the memory if the determination device

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determines that the selected imager does not relate to any of the plurality of images stored in the memory, and prohibits the selected image from being erased independently if the determination device determines that the selected image relates to at least one of the plurality of images stored in the memory. Paragraph [0136-0137] Toyofuku et al teaches that if the image selected to be erased is part of a panoramic image a warning is indicated to the user and the image cannot be erased independently and the image would not be able to be erased unless the user overrides the erase protection. Toyofuku et al further teaches the use of a display which displays that the selected image is prohibited from being erased independently if the determination device determines that the selected image relates to at least one of the plurality of images stored in the memory; Paragraphs [0136 and 0141] Toyofuku et al teaches the a warning is given on the display screen when an image that is part of a panoramic image is selected to be deleted. Toyofuku et al further depicts in Figure 6 the format for the header information attached to the image data. The additional information represents whether or not the image concerning the additional information is a part of a sequence of at least two of the plurality of the images stored in the memory that were consecutively captured. Paragraphs [0105-0106] Toyofuku teaches that when a panoramic image is captured all the images are captured in a sequence until all the desired images for a panoramic image are captured and panoramic numbers related to the order in which the images are captured and stored in the header information. This header information is then used to determine if the image is part of a panoramic image. Since the panoramic image was captured from a sequence of consecutive images, the additional information represents whether or not the image concerning the additional information is a part of a sequence of at least two of the plurality of the images stored in the memory that were consecutively captured.



Toyofuku et al does not teach that t that the selection device in which a user selects, after displaying that a selected image is prohibited from being erased since the selected image relates to at least one of the plurality of images, collectively erasing the selected image and the images related to the selected image or not erasing all the images related to the selected image; wherein the eraser erases the selected image and the at least one of the plurality of images relating to the selected image from the memory if the selection device decides to collectively erase the selected image and the at least one of the plurality of images related to the selected image. Toyofuku et al is designed in such a way that a user using the camera will be warned if they attempt to delete the image so that the user can cancel the erase command if the image was inadvertently selected. The camera further has the capability to allow the user to override the erase protection and erase the single image and therefore update the panoramic image data.

Suzuki teaches on Column 5, Lines 61-67 and Column 6, Lines 5-16 the method of collectively deleting images associated with a main image simultaneously to allow a user the option to erase the images related to a main image simultaneously so that the user would not have to independently erase each of the pictures and thus providing convenience of use. It is viewed by the examiner that a panoramic image is a main image that is associated with several subordinate images.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to enable the camera of Toyofuku et al to allow a user the option to erase the images related to a main image simultaneously as taught by Suzuki so that the user would not have to independently erase each of the pictures and thus provide convenience of use.

However, Suzuki does not specifically state that all of the related images are erased collectively and only states that the related images can be collectively erased.

Thompson et al teaches on Column 1, Lines 58-67 a method for collectively deleting all files related to a program which a user wants to erase be erased at the same time in order to speed up the erasing operation and ensure that no un-needed files remain after the program files have been erased.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the file deletion program of Toyofuku et al in view of Suzuki collectively erase all related images simultaneously to ensure that no un-needed image files remain after a some of the image files have been erased and therefore, speeding up the erasing operation.

4: As for Claim 5, Toyofuku et al depicts in Figure 5 and teaches in Paragraph [0056] that the image processing apparatus is an electronic camera capturing the images.

5: In regards to Claim 8, Toyofuku et al depicts in Figures (5 and 20) a method for erasing an image from a memory, comprising the steps of: selecting the image to be erased among a plurality of images stored in the memory; Paragraph [0133] Toyofuku et al teaches that a circular point is flickered and represents the image data selected to be erased. Reading an additional information concerning the image selected in the selecting step and determining whether or not the selected image relates to at least one of the plurality of images stored in the memory (panoramic number does not contain code that corresponds to a ordinary photographed frame) with reference to the additional information read in the reading step; Paragraph [0136] Toyofuku et al teaches that the image processing apparatus checks to see whether the image selected

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partially constitutes a panoramic image (panoramic number does not contain code that corresponds to a ordinary photographed frame) by identifying the panorama numbers in the header information as depicted in Figure 6. Erasing the selected image from the memory if it is determined that the selected image does not relate to any of the plurality of images stored in the memory in the determining step; and prohibiting the selected image from being erased independently if it is determined that the selected image relates to at least one of the plurality of images stored in the memory in the determining step; Paragraph [0136-0137] Toyofuku et al teaches that if the image selected to be erased is part of a panoramic image a warning is indicated to the user and the image cannot be erased independently and the image would not be able to be erased unless the user overrides the erase protection. Toyofuku et al further teaches the use of a display which displays that the selected image is prohibited from being erased independently if the determination device determines that the selected image relates to at least one of the plurality of images stored in the memory; Paragraphs [0136 and 0141] Toyofuku et al teaches the a warning is given on the display screen when an image that is part of a panoramic image is selected to be deleted. Toyofuku et al further teaches that the additional information represents whether or not the image concerning the/ additional information is a part of a panoramic image composed of at least two of the plurality of the images stored in the memory; Paragraph [0136] the image processing apparatus checks to see whether the image selected partially constitutes a panoramic image by identifying the panorama numbers in the header information as depicted in Figure 6.

Toyofuku et al does not teach that the decision device decides whether to collectively erase the selected image and the at least one of the plurality of images related to the selected

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image from the memory; wherein the eraser erases the selected image and the at least one of the plurality of images relating to the selected image from the memory if the decision device decides to collectively erase the selected image and the at least one of the plurality of images related to the selected image. Toyofuku et al is designed in such a way that a user using the camera will be warned if they attempt to delete the image so that the user can cancel the erase command if the image was inadvertently selected. The camera further has the capability to allow the user to override the erase protection and erase the single image and therefore update the panoramic image data.

Suzuki teaches on Column 5, Lines 61-67 and Column 6, Lines 5-16 the method of collectively deleting images associated with a main image simultaneously to allow a user the option to erase the images related to a main image simultaneously so that the user would not have to independently erase each of the pictures and thus providing convenience of use. It is viewed by the examiner that a panoramic image is a main image that is associated with several subordinate images.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to enable the camera of Toyofuku et al to allow a user the option to erase the images related to a main image simultaneously as taught by Suzuki so that the user would not have to independently erase each of the pictures and thus provide convenience of use.

However, Suzuki does not specifically state that all of the related images are erased collectively and only states that the related images can be collectively erased.

Thompson et al teaches on Column 1, Lines 58-67 a method for collectively deleting all files related to a program which a user wants to erase be erased at the same time in order to speed

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up the erasing operation and ensure that no un-needed files remain after the program files have been erased.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the file deletion program of Toyofuku et al in view of Suzuki collectively erase all related images simultaneously to ensure that no un-needed image files remain after a some of the image files have been erased and therefore, speeding up the erasing operation.

6: As for Claim 9, Toyofuku et al depicts in Figures (5 and 20) a method for erasing an image from a memory, comprising the steps of: selecting the image to be erased among a plurality of images stored in the memory; Paragraph [0133] Toyofuku et al teaches that a circular point is flickered and represents the image data selected to be erased. Reading an additional information (header information including panoramic number) concerning the image selected in the selecting step and determining whether or not the selected image relates to at least one of the plurality of images stored in the memory with reference to the additional information read in the reading step; Paragraph [0136] Toyofuku et al teaches that the image processing apparatus checks to see whether the image selected partially constitutes a panoramic image (panoramic number does not contain code that corresponds to a ordinary photographed frame) by identifying the panorama numbers in the header information as depicted in Figure 6. Erasing the selected image from the memory if it is determined that the selected image does not relate to any of the plurality of images stored in the memory in the determining step; and prohibiting the selected image from being erased independently if it is determined that the selected image relates to at least one of the plurality of images stored in the memory in the determining step; Paragraph

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[0136-0137] Toyofuku et al teaches that if the image selected to be erased is part of a panoramic image a warning is indicated to the user and the image cannot be erased independently and the image would not be able to be erased unless the user overrides the erase protection. Toyofuku et al further teaches the use of a display which displays that the selected image is prohibited from being erased independently if the determination device determines that the selected image relates to at least one of the plurality of images stored in the memory; Paragraphs [0136 and 0141]

Toyofuku et al teaches the a warning is given on the display screen when an image that is part of a panoramic image is selected to be deleted. Toyofuku et al further depicts in Figure 6 the format for the header information attached to the image data. The additional information represents whether or not the image concerning the additional information is a part of a sequence of at least two of the plurality of the images stored in the memory that were consecutively captured.

Paragraphs [0105-0106] Toyofuku teaches that when a panoramic image is captured all the images are captured in a sequence until all the desired images for a panoramic image are captured and panoramic numbers related to the order in which the images are captured and stored in the header information. This header information is then used to determine if the image is part of a panoramic image. Since the panoramic image was captured from a sequence of consecutive images, the additional information represents whether or not the image concerning the additional information is a part of a sequence of at least two of the plurality of the images stored in the memory that were consecutively captured.

Toyofuku et al does not teach that the decision device decides whether to collectively erase the selected image and the at least one of the plurality of images related to the selected image from the memory; wherein the eraser erases the selected image and the at least one of the

plurality of images relating to the selected image from the memory if the decision device decides to collectively erase the selected image and the at least one of the plurality of images related to the selected image. Toyofuku et al is designed in such a way that a user using the camera will be warned if they attempt to delete the image so that the user can cancel the erase command if the image was inadvertently selected. The camera further has the capability to allow the user to override the erase protection and erase the single image and therefore update the panoramic image data.

Suzuki teaches on Column 5, Lines 61-67 and Column 6, Lines 5-16 the method of collectively deleting images associated with a main image simultaneously to allow a user the option to erase the images related to a main image simultaneously so that the user would not have to independently erase each of the pictures and thus providing convenience of use. It is viewed by the examiner that a panoramic image is a main image that is associated with several subordinate images.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to enable the camera of Toyofuku et al to allow a user the option to erase the images related to a main image simultaneously as taught by Suzuki so that the user would not have to independently erase each of the pictures and thus provide convenience of use.

However, Suzuki does not specifically state that all of the related images are erased collectively and only states that the related images can be collectively erased.

Thompson et al teaches on Column 1, Lines 58-67 a method for collectively deleting all files related to a program which a user wants to erase be erased at the same time in order to speed

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up the erasing operation and ensure that no un-needed files remain after the program files have been erased.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the file deletion program of Toyofuku et al in view of Suzuki collectively erase all related images simultaneously to ensure that no un-needed image files remain after a some of the image files have been erased and therefore, speeding up the erasing operation.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hannett whose telephone number is 571-272-7309. The examiner can normally be reached on 8:00 am to 5:00 pm M-F.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on 571-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James M. Hannett  
Examiner  
Art Unit 2612



JMH  
June 8, 2006



DAVID OMETZ  
SUPERVISORY PATENT EXAMINER